

ARMENIA 2018 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Armenia's constitution provides for a parliamentary republic with a unicameral legislature, the National Assembly (parliament). The prime minister elected by the parliament heads the government; the president, also elected by the parliament, largely performs a ceremonial role. In December 9 snap parliamentary elections, the My Step coalition, led by acting Prime Minister Nikol Pashinyan from the Civil Contract party, won 70 percent of the vote and an overwhelming majority of seats in the parliament. According to the December 10 preliminary assessment of the international election observation mission under the umbrella of the Organization for Security and Cooperation in Europe (OSCE), the parliamentary elections were held with respect for fundamental freedoms and enjoyed broad public trust that should be preserved through further election reforms.

Civilian authorities maintained effective control over the security forces.

Nikol Pashinyan was initially elected by parliament on May 8 following largely peaceful nationwide protests throughout the country in April and May, called the "velvet revolution." The new government launched a series of investigations to prosecute systemic government corruption, and the country held its first truly competitive elections on December 9.

Human rights issues included torture; harsh and life threatening prison conditions; arbitrary arrest and detention; police violence against journalists; physical interference by security forces with freedom of assembly; restrictions on political participation; systemic government corruption; crimes involving violence or threats thereof targeting lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; inhuman and degrading treatment of persons with disabilities in institutions, including children; and worst forms of child labor.

The new government took steps to investigate and punish abuse, especially at high levels of government and law enforcement. On July 3, the Special Investigative Service (SIS) pressed charges against some former high-ranking officials in connection with their alleged roles in post-election clashes in 2008, when eight civilians and two police officers were killed.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Nongovernmental organizations (NGOs) expressed concerns that the government did not promptly and accurately report incidents of deaths in the army. According to independent (and separate) monitoring of noncombat deaths by the NGOs Peace Dialogue and Helsinki Citizens Assembly Vanadzor, there were 24 noncombat deaths reported during the first half of the year. In response to information requested by the NGO Peace Dialogue, the Ministry of Defense reported 31 such incidents for the same period. Human rights NGOs noted that, after years of rejection, the Ministry of Defense became more open following the May change in government in responding to requests for information on the number of deaths in the army. Nevertheless, discrepancies in the government and NGO numbers, partly due to different classification of what constituted military deaths by the Ministry of Defense and civil society, continued to contribute to the overall mistrust of official information.

In an illustrative example, on May 6, the Ministry of Defense reported the death of conscripted soldier Levon Torosyan from a gunshot wound in a military unit located in Tavush region. The 6th Garrison Investigative Department of the Investigative Committee classified the death as suicide and charged Torosyan's fellow soldier, Valodya Hokhikyan, with insulting Torosyan; Hokhikyan pled guilty. Ruben Martirosyan, an expert from Peace Dialogue, which represented the victim's family, observed Torosyan's autopsy and noted the presence of a hemorrhage in his genital area and abrasions on both elbows, inflicted shortly before his death. According to Martirosyan, this and other evidence led him to conclude Torosyan was killed and that the official investigators were covering up the circumstances of the death through pressuring witnesses and falsifying evidence. On August 24, SIS launched a criminal investigation into Martirosyan's allegations. According to Peace Dialogue, this was the first case in recent years when, parallel to the investigation of a death in the armed forces, a criminal investigation was opened to assess possible violations of the law by the investigative body. Both investigations were ongoing at year's end.

On May 24, Prime Minister Pashinyan dismissed the chief of the General Staff of the Armed Forces, Movses Hakobyan. Many of the families of soldiers who died under noncombat conditions, who continued to demand investigation of the deaths,

alleged that Hakobyan was instrumental in covering up such deaths. According to media reports, law enforcement bodies reopened investigations into some of the older noncombat death cases.

Pashinyan's government gave new impetus to accountability for the events surrounding the aftermath of the 2008 presidential election, in which eight civilians and two police officers were killed. According to the government, in the period from July 3 until late fall, SIS launched several new criminal cases re-examining these events. The criminal cases entailed charges of overthrowing the constitutional order, abuse and exceeding official authority, torture, complicity in offering a bribe, official fraud, and falsification of evidence connected with the investigation of the 2008 post-election events. High profile suspects in those cases included former minister of defense Mikhail Harutyunyan, former deputy minister of defense Yuri Khachaturov, former chief of presidential staff Armen Gevorgyan, and former president Robert Kocharyan. Kocharyan was charged on July 27 with Article 300.1 of the criminal code, overthrowing the constitutional order, in connection with the March 1 2008 protests. On August 13, the court of appeals released him from pretrial detention. After a Court of Cassation determination that presidential immunity did not apply to his charges, he was arrested again on December 7. The investigations into the cases were ongoing at year's end.

Concluding a visit from September 15-20, Council of Europe commissioner for human rights Dunja Mijatovic noted the steps taken by the government to finally establish responsibility for the 10 deaths, but stressed that "this should be done carefully and in strict adherence to the principles of rule of law, judicial independence, transparency and guarantees of fair trial, in order to dispel any accusations of alleged revenge politics or selective justice."

Separatists, with Armenia's support, continued to control most of Nagorno-Karabakh and seven surrounding Azerbaijani territories. The final status of Nagorno-Karabakh remained the subject of international mediation by the OSCE Minsk Group, cochaired by France, Russia, and the United States. Violence along the Line of Contact continued, although at lower levels starting in October, after the Armenian and Azerbaijani leaders met in Dushanbe. Recurrent shooting and shelling caused casualties and injuries among military and civilians. Following the April 2016 outbreak in violence, the sides to the conflict submitted complaints to the European Court of Human Rights (ECHR) accusing each other of committing atrocities during that time. The cases remained pending with the ECHR.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices. Nevertheless, there were reports that members of the security forces tortured or otherwise abused individuals in their custody. According to human rights lawyers, while the criminal code defines and criminalizes torture, the relevant provisions do not criminalize inhuman and degrading treatment. There were no convictions of officials who engaged in these practices, although there were several reports of investigations under these charges.

Police abuse of suspects during their arrest, detention, and interrogation remained a significant problem, especially during the largely peaceful “velvet revolution.” For example, on April 23, Hayk Hovhannisyán, a doctor and lecturer at Yerevan State Medical University, was beaten by police officers. According to Hovhannisyán’s account, he was trying to protect students from police violence, when five or six officers dragged him out of a taxi and kicked him in his face and body, resulting in head injuries, a concussion, and a broken cheekbone. Mistreatment occurred in police stations, which, unlike prisons and police detention facilities, were not subject to public monitoring. According to observers, police used arrest as a form of punishment. Criminal justice bodies relied on confessions and information obtained during questioning to secure convictions. According to human rights lawyers, procedural safeguards against mistreatment during police questioning, such as access to a lawyer by those summoned to the police as witnesses, as well as inadmissibility of evidence obtained through force or procedural violations, were insufficient.

According to government statistics, since the 2015 adoption of a new definition of torture in the criminal code, only two cases on charges of torture were sent to the courts.

Human rights lawyers and the ombudsman’s office recorded numerous instances of alleged violations of human rights of protestors, civilians, and journalists, including reports of excessive use of force and beatings by police officers, plainclothes officers, and gangs during the April protests. According to the Ministry of Health, 127 citizens sought medical assistance in the period from April 13-23.

According to official information, the Investigative Committee launched 25 criminal cases into violent incidents that occurred in the period from April 13 to 23. Six of the 25 cases were sent to the courts with charges against nine persons, including Andranik Isoyan, the assistant to former member of parliament (MP) Mihran Poghosyan. One case was suspended, and 14 were merged with other criminal cases. Investigation continued into four cases against 19 persons including the mayor and deputy mayor of Masis. The Masis mayor, Davit Hambardzumyan, was charged with organizing the mass disorders on April 22, when a gang of armed men wearing surgical masks attacked peaceful protesters with stones, batons, and tasers. Hambardzumyan also was charged with hooliganism for another violent incident involving firearms that occurred the same day.

In addition, the SIS investigated two criminal cases regarding violence against protestors during the April 13-23 protests. The investigation of the two cases that included 164 victims, of which 13 were journalists, was in progress at year's end.

Two criminal cases against three police officers from Abovyan region Arsen Arzumanyan, head of Kotayk branch of police Koyayk regional administration and two police operatives, Areg Torosyan and Arsen Torosyan were sent to the courts on charges of obstructing journalists' activities. Lieutenant-general Levon Yerosyan, the former chief of the internal police troops, faced charges of exceeding official authority committed with violence and leading to grave consequences for his role in the violence against protesters. Police conducted 22 internal investigations into police behavior during the April 13-23 protests.

On May 13, the SIS charged the commander of the Yerevan Police Department Escort Battalion, Armen Ghazaryan, with torture for his role in the June 2017 police beatings of four members of the armed group Sasna Tsrer during an altercation. The defendants suffered cuts and bruises on their faces, heads, abdomens, backs, and legs in the beatings. At year's end the investigation continued.

According to a September 24 statement made by Protection of Rights without Borders, SIS suspended the case examining violence against protesters who were supporting the Sasna Tsrer takeover of the police station in Erebuni in 2016.

On March 21, the office of the ombudsman issued an ad hoc report on the situation in psychiatric institutions noting violations of human rights. Such violations included legal gaps in regulating compulsory treatment, expired medication and

absence of alternative treatment options, inappropriate use of means of restraint, lack of specialized personnel, absence of mechanisms for urgent stationary psychiatric assistance, overcrowding, discrimination, inadequate housing and sanitary conditions, inadequate food, lack of exercise, and other problems. On April 23, Dainius Puras, the UN special rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, issued a report on his fall 2017 visit to the country. According to the report, the country's mental health system contained elements of outdated models and practices, including easy and frequent hospitalization of individuals with mental health conditions, overmedication, and long-term confinement for those "chronic patients." The special rapporteur noted that in a number of the institutions, patients had been confined for long periods, sometimes for 10 to 15 years, not because they needed to be hospitalized but due to the lack of adequate care structures at the community level.

According to the prosecutor general's office, in 2017 and the first nine months of 2018, 84 patients died in psychiatric institutions. In 80 cases, the causes of death were determined to be various diseases; criminal cases were not launched due to the absence of crimes. In three deaths, criminal cases were initiated on charges of inducing someone to commit suicide, two of which were later dropped due to the absence of a crime. The investigation of the third case was in progress.

The Council of Europe's Committee for the Prevention of Torture (CPT) noted in a 2016 report on its visit to the country that a significant number of patients in two psychiatric clinics appeared to be deprived of their liberty. Although they had signed agreements of voluntary admission, the patients no longer wished to remain in the hospitals.

Prison and Detention Center Conditions

Prison conditions were marked by poor sanitation, inadequate medical care, and systemic corruption; overcrowding was no longer a problem at the prison level, and was almost resolved at the cell level, but conditions in some cases were harsh and life threatening. Prisons generally lacked accommodations for inmates with disabilities.

Physical Conditions: According to observers, media reports and ad hoc reports of the Prison Monitoring Group (PMG), a coalition of local NGOs, during the year prison conditions continued to remain as described in the 2016 CPT report. The CPT noted material conditions of detention at Nubarashen Prison remained

unacceptable. According to the PMG, detention conditions in some cells of the Nubarashen Prison constituted torture and degrading and inhuman treatment. According to the CPT, many cells were damp, affected by mold, poorly lit and ventilated, dirty, and infested with vermin. For most inmates, water was only available at certain hours. Inmates relied on their families for food, bedding, and hygiene items. According to the CPT, similar conditions were observed in other penitentiary establishments.

Human rights observers and the PMG expressed concern about the physical conditions of Armavir penitentiary, the country's newest prison. The prison did not have an air ventilation or cooling system. PMG monitors who visited the prison on July 13 registered temperatures of 45 degree Celsius (113 degrees Fahrenheit) inside cells, with no constant water supply. According to the PMG, the ventilation and cooling system was removed from the original construction plan due to lack of resources.

According to the PMG, impunity related to the deaths of inmates was one of the most significant human rights problems in prison. In one illustrative case, the penitentiary service of the Ministry of Justice announced that, on August 11, Moldovan citizen Vasile Gruiya was found hanged from his belt in his cell in Armavir Prison. According to the penitentiary service, Gruiya, a detainee, had been aggressive since his admission on August 6 and had attempted self-mutilation. To stabilize him, his mother was allowed to see him and prison psychologists worked with him for three days. According to media reports, Gruiya's family did not believe that he could have committed suicide, since he was informed that he would be released in a few days. Media also reported Gruiya's mother claimed her son was killed by another detainee and that he told her he had received death threats. According to official information, the forensic examination of Gruiya's body discovered numerous injuries inflicted shortly before his death with a blunt object. The criminal investigation into his death was in progress as of year's end.

The Ombudsman's Office and the PMG noted the need for better psychological services in prisons. According to statistics published by the PMG, from 2011 to 2017, there were 27 suicides in prison. In 2017, 607 cases of self-mutilation were registered compared with 879 in 2016. The most self-mutilation incidents in 2017 were registered in Nubarashen and Armavir prisons. According to the PMG, the prison administration did not appropriately investigate the cases and did not determine the culpability or negligence of prison staff. In 2017 the PMG made

several requests to the Ministry of Justice to allow additional psychologists on its staff to enter prisons but was denied.

On May 3, the SIS announced it charged several employees of the Armavir Prison with torturing a convict, after prison staff had applied physical force to an inmate, but the case was dropped after law enforcement determined the physical force was legitimate.

According to human rights organizations, in addition to the poor physical condition of the facilities, an organized criminal structure dominated prison life. Prison officials reportedly delegated authority to select inmates (called “watchers”) at the top of the informal prison hierarchy and used them to control the inmate population.

Former inmates and many human rights observers raised the problem of systemic corruption and bribery in the penitentiaries. On June 29, a group of convicts addressed a letter to the prime minister, which asserted that corruption continued everywhere in the penitentiary system, with the exception of the Vardashen Prison, which was used primarily for foreigners and former government officials. The letter’s authors claimed that each cell paid bribes that ranged from 300,000 to 600,000 drams (\$635 to \$1,250) per month to the prison’s administration, local criminal authorities, and others.

There also were reports of medical negligence. In an illustrative example, on February 14, media outlets reported the December 2017 death of convicted prisoner Arega Avetisyan in the Abovyan Prison. Prior to her death the PMG had requested Avetisyan’s release based on health grounds. According to the PMG, Avetisyan suffered a stroke and was given care by another prisoner. After the request, Avetisyan underwent a medical examination that determined her medical condition did not necessitate her release. Authorities opened a criminal case on charges of medical negligence, which was ongoing by year’s end.

There was no progress in investigating the April 2017 death of convicted prisoner Hrachya Gevorgyan in the Armavir Penitentiary.

Health-care services in prisons remained understaffed and poorly equipped, and there were problems with access to specialist care including mental health care. There was also a serious shortage of medication.

According to the PMG and other human rights organizations, LGBTI individuals experienced the worst prison conditions. They were frequent targets of discrimination, violence, psychological and sexual abuse and were forced by other inmates to perform degrading labor. Prison administrators reinforced and condoned such treatment and held LGBTI individuals in segregated cells in significantly worse conditions. The PMG noted that homosexual males or those assumed to be homosexual, those associating with them, and inmates convicted of crimes such as rape, as well as those who refused to live by the “unwritten criminal prison rules” were segregated from other inmates and forced to perform humiliating jobs such as cleaning the toilets, picking up trash for other prisoners, and providing sexual services. The PMG reported a case in the Nubarashen Penitentiary in May when prison staff revealed an LGBTI inmate’s sexual identity to his parents, after which he became depressed and self-mutilated. Despite deteriorating health, he was not provided medical assistance for weeks, and was transferred to the prison hospital penitentiary only after the involvement of the PMG.

Administration: Authorities did not routinely conduct credible investigations nor take action in a meaningful manner to address problems involving the mistreatment of prisoners, disputes and violence between inmates, or widespread corruption.

Convicts and detainees did not always have reasonable access to visitors due to the lack of suitable space for visitations. Heads of prisons and detention facilities arbitrarily used their discretion to deny prisoners and detainees visitation, contact with families, or the ability to receive periodicals.

Independent Monitoring: The government generally permitted domestic and international human rights groups, including the CPT, to monitor prison and detention center conditions, and they did so regularly. Authorities allowed monitors to speak privately with prisoners and permitted the International Committee of the Red Cross to visit prisons and pretrial detention centers. In December 2017, the Minister of Health established a civil society group to carry out monitoring of psychiatric institutions.

There were limits, however, to domestic independent monitoring. The Ministry of Justice continued to deny PMG monitors access to those individuals in whose case the investigation body had put a restriction on communication. The PMG was also unable to check the conditions of confinement for those individuals. The PMG asserted that the restriction was arbitrary and that the investigation body’s decision

could not apply to the PMG. There were also restrictions on the PMG's ability to check food quality in the prisons.

Improvements: In May the parliament approved amendments to the penitentiary code, probation law, the criminal code, and the criminal procedural code to address gaps in the early release program. The amendments, which went into effect on June 23, abolished independent commissions formed to consider requests for early release, transferring their functions to the penitentiary and state probation services. Based on the advisory reports of the two institutions, the court makes the final recommendation on early release. On October 16, a Yerevan trial court made an unprecedented decision to release an inmate, who had been serving a life sentence since 1996, on a 10-year probation. On July 12, parliament adopted changes to the penitentiary code that doubled the number of short- and long-term visits for persons convicted of especially grave crimes and for those serving life sentences. The changes, which came into force on August 4, allowed six short-term and two long-term visits during the year.

During the year the Ministry of Justice Center for Legal Education and Rehabilitation Programs developed and approved, with international funding, an anger management training program for female and juvenile inmates of Abovyan prison. In addition, Abovyan inmates received training in English language, computer literacy, cooking, crochet and felting, therapeutic exercise/yoga, hairdressing, career planning, and entrepreneurship.

On November 1, a decree came into force that allowed inmates deprived of the opportunity to meet with their relatives due to distance or illness to have two 20-minute video calls per month.

On December 16, the government allocated 270 million drams (\$556,000) to the Ministry of Justice for correctional facility renovations.

d. Arbitrary Arrest or Detention

While the law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, police arbitrarily detained citizens, including during the largely peaceful protests in April and May leading to the "velvet revolution."

Role of the Police and Security Apparatus

The national police force is responsible for internal security, while the National Security Service (NSS) is responsible for national security, intelligence activities, and border control. The SIS is a separate agency specializing in preliminary investigation of cases involving suspected abuses by public officials. The Investigative Committee is responsible for conducting pretrial investigations into criminal cases and incorporates investigative services. Police conduct initial investigations and detentions before turning a case over to the Investigative Committee. The NSS and the police chiefs report directly to the prime minister and are appointed by the president based on the prime minister's recommendation. The cabinet appoints the SIS and Investigative Committee chiefs based on recommendations from the prime minister.

Civilian authorities maintained effective control over the NSS, the SIS, police, and the Investigative Committee, and the new government took steps to investigate and punish abuse, especially at high levels.

Arrest Procedures and Treatment of Detainees

Although the law requires law enforcement officers to obtain warrants or have reasonable suspicion in making arrests, authorities on occasion detained and arrested suspects without warrants or reasonable suspicion. By law an investigative body must either arrest or release individuals within three hours of taking them into custody. Within 72 hours, the investigative body must release the arrested person or file charges and obtain a detention warrant from a judge. Judges rarely denied police requests for detention warrants or reviewed police conduct during arrests. According to observers, police did not keep accurate records and either backdated or failed to fill out protocols of detention and arrest.

The law requires police to inform detainees of the reasons for their detention or arrest as well as their rights to remain silent, legal representation, and to make a telephone call. Bail was a legal option, and judges employed it at an unprecedented scale following the May change in government. The Helsinki Association and human rights lawyers pointed out that the law does not define a maximum for the amount of bail and reported bureaucratic barriers when individuals sought to get bail money back after release. In practice, the judicial system and law enforcement bodies placed the burden of proof on suspects to demonstrate they did not present a flight risk or would not hamper an investigation, when courts determined the form of pretrial preventive measures.

Defendants were entitled to representation by an attorney from the moment of arrest, and the law provides for a public defender if the accused is indigent. According to human rights observers, few detainees were aware of their right to legal representation. Observers indicated police often avoided granting individuals their due process rights by summoning and holding, rather than formally arresting, them, under the pretext that they were material witnesses rather than suspects. Police were thereby able to question individuals without giving them the benefit of a defense attorney.

In its 2016 report, the CPT reported observing the practice of persons being “invited” (usually by telephone) to come to police stations for what was presented as informal talks. Such talks could last several hours or even days, as the examiners sought to elicit confessions or collect evidence before declaring the persons interviewed a suspect and informing them of their rights.

Arbitrary Arrest: According to international organizations and human rights observers, police and NSS personnel often detained or arrested individuals without a warrant or probable cause. Human rights organizations stated such detentions were often a way to begin an investigation, with authorities hoping the suspect would confess and make further investigation unnecessary.

Between April 16 and April 23, the police detained 1,236 persons, including 121 minors, in connection with the “velvet revolution.” In many cases, individuals were detained simply for being at a certain location, regardless of whether they participated in a protest. In some cases, their rights to legal representation were not respected, and they were held beyond the legal three-hour limit without charges or access to a lawyer. In one high-profile example, on April 22, police arrested members of parliament Nikol Pashinyan, Ararat Mirzoyan, and Sasun Mikayelyan. Pashinyan was taken into custody at an undisclosed location and was released after more than 24 hours on April 23.

Pretrial Detention: Lengthy pretrial detention remained a chronic problem. According to the government, as of October 31, 36 percent of the prison population consisted of pretrial detainees. Some observers saw police use excessive pretrial detention as a means of inducing defendants to confess or to reveal self-incriminating evidence.

Although the law requires prosecutors to present a well-reasoned justification every two months for extending pretrial custody, judges routinely extended detention on unclear grounds. Authorities generally complied with the six-month

limit in ordinary cases and a 12-month limit for serious crimes as the total time in pretrial detention. Once prosecutors forward their cases to court for trial, the law does not provide time limits on further detention but indicates only that a trial must be of “reasonable length.” Prosecutors regularly requested and received trial postponements from judges. Prosecutors tended to blame trial delays on defense lawyers and their requests for more time to prepare a defense. Severely overburdened judicial dockets at all court levels also contributed to lengthy trials.

Detainee’s Ability to Challenge Lawfulness of Detention before a Court:

According to legal experts, suspects had no practical opportunities to appeal the legality of their arrests. In cases where the courts ruled on a pretrial detention, another court was unlikely to challenge its ruling.

Amnesty: On November 1, the National Assembly adopted a general amnesty proposed by the government, resulting in the release of 523 convicts from prisons as of November 23.

e. Denial of Fair Public Trial

Although the law provides for an independent judiciary, the judiciary did not generally exhibit independence and impartiality. After the May change in government, distrust in the impartiality of judges continued, and some human rights lawyers stated there were no legal safeguards for judicial independence.

Attorneys reported that in the past, the Court of Cassation dictated the outcome of all significant cases to lower-court judges. In February, with implementation of 2015 constitutional amendments, the High Judicial Council (HJC) was formed; on March 5, former Constitutional Court chair Gagik Harutyunyan was elected head of the HJC. Many observers blamed the HJC for abuse of power and for appointing only judges who were connected to the previous ruling party. Attorneys also stated the HJC’s control of the appointments, promotions, and relocation of judges weakened judicial independence.

According to observers, administrative courts had relatively more internal independence but were understaffed, with some hearings scheduled as far ahead as 2020.

Authorities generally complied with court orders.

NGOs reported judges routinely ignored defendants' claims that their testimony was coerced through physical abuse. Human rights observers continued to report concerns about the reliance of courts on evidence that defendants claimed was obtained under duress, especially when such evidence was the basis for a conviction.

Human rights NGOs highlighted abuses of human rights of persons serving life sentences. According to these NGOs, individuals serving such sentences lacked the opportunity to have their sentences meaningfully reviewed by courts when changes in criminal law could possibly have resulted in less severe punishment. According to human rights groups, one of the greatest obstacles to justice for those serving life sentences was the court-ordered destruction of case files and evidence. This action deprived convicts of the opportunity to have their cases reviewed based on forensic analysis using new technologies, such as DNA testing.

Trial Procedures

The constitution and laws provide for the right to a fair and public trial, but the judiciary did not enforce this right.

The law provides for presumption of innocence, but suspects usually did not enjoy this right. During trials authorities informed defendants in detail of the charges against them, and the law required the provision of free language interpretation when necessary. The law requires that most trials be public but permits exceptions, including in the interest of "morals," national security, and the "protection of the private lives of the participants." Defendants have the right to counsel of their own choosing, and the law requires the government to provide them with a public defender upon request. A shortage of defense lawyers sometimes led to denial of this right outside of Yerevan.

According to the law, defendants may confront witnesses, present evidence, and examine the government's case in advance of a trial, but defendants and their attorneys had very little ability to challenge government witnesses or police, while courts tended to accept prosecution materials routinely. In particular, the law prohibits police officers from testifying in their official capacities unless they were witnesses or victims in a case. Judges were reluctant to challenge police experts, hampering a defendant's ability to mount a credible defense. Judges' control over witness lists and over the determination of the relevance of potential witnesses in criminal cases also impeded the defense. Defense attorneys complained that judges at times did not allow them to request the attendance at trial of defense

witnesses. According to lawyers and domestic and international human rights observers, including the Council of Europe's human rights commissioner, the prosecution retained a dominant position in the criminal justice system.

Following the "velvet revolution," many judges released from pretrial detention many suspects in politically sensitive cases. According to human rights groups, since no other circumstances had changed in their cases, this was an indication that, before the April/May events, judicial decisions to hold those suspects in detention, instead of on bail were politically motivated.

Defendants, prosecutors, and injured parties have the right to appeal a court verdict and often exercised it.

In an illustrative case spanning several years, criminal proceedings against Karen Kungurtsev, who some NGO groups believe is innocent, continued. On July 20, the Cassation Court sent the case back to the trial court and ordered Kungurtsev's release on bail. In July 2017 the criminal court of appeal had reversed the 2015 acquittal of Kungurtsev on charges of attempted murder of Davit Hovakimyan, sentencing him to seven years in prison. The victim's family and the Helsinki Association for Human Rights continued to support Kungurtsev's claim of innocence, asserting that Hovakimyan's real killer was the son of a NSS official who had used his position to influence police and prosecutors to pin the crime on Kungurtsev.

Political Prisoners and Detainees

Following the post "velvet revolution" release of certain individuals considered by some local human rights NGOs to be political detainees, there were no reports of political prisoners or detainees in the country.

Civil Judicial Procedures and Remedies

Although citizens had access to courts to file lawsuits seeking damages for alleged human rights violations, the courts were widely perceived as corrupt. Citizens also had the option of challenging in Constitutional Court the constitutionality of laws and legal acts that violated their fundamental rights and freedoms. According to lawyers, lower courts did not adhere to precedents set by the Cassation Court, the ECHR, and the Constitutional Court. As a result, lower courts continued to carry out the same legal mistakes.

Citizens who exhaust domestic legal remedies may appeal to the ECHR cases involving alleged government violations of the European Convention on Human Rights. The government generally complied with ECHR awards of monetary compensation but did not meaningfully review the cases on which the ECHR had ruled. When ruling on a case to which a prior ECHR decision applied, courts often did not follow the applicable ECHR precedent.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits unauthorized searches and provides for the rights to privacy and confidentiality of communications. Law enforcement organizations did not always abide by these prohibitions.

Authorities may not legally wiretap telephones, intercept correspondence, or conduct searches without obtaining the permission of a judge based on compelling evidence of criminal activity. The constitution, however, stipulates exceptions when confidentiality of communication may be restricted without a court order when necessary to protect state security and conditioned by the special status of those in communication. Although law enforcement bodies generally adhered to legal procedures, attorneys claimed judges often authorized wiretaps, the interception of correspondence, and searches without receiving the compelling evidence required by law, rendering the legal procedures largely a formality.

Before the May change in government, there were numerous reports of authorities tapping telephone communications, email, and other digital communications of individuals the government wanted to keep under scrutiny, including human rights defenders, activists, and political figures. According to some human rights observers, authorities maintained “dossiers” of activists, political figures, and others that were used to exert pressure on a person. Following the “velvet revolution,” many activists and human rights defenders expressed their belief that they were no longer under surveillance.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press. Before the “velvet revolution,” the government exerted economic pressure on media outlets for favorable and uncritical coverage. Broadcast and many large-

circulation print media generally practiced self-censorship, expressing views sympathetic to their owners or advertisers--a mix of government officials and wealthy business people. Small-circulation print and online media outlets tended to be more critical.

There were several instances of violence against journalists in connection with their coverage of the protests leading to the “velvet revolution.” After the May change in government, the media environment became more free as some outlets began to step away from self-censorship; however, some still refrained from critical comments of the new government not to appear “counterrevolutionary.” Many traditional and online media continued to lack objective reporting that would not reflect the political, economic, and other sympathies of the given outlet.

Freedom of Expression: Individuals were free to criticize the government in private and online without fear of arrest. On June 18, however, Prime Minister Pashinyan posted on Facebook a comment denouncing as “antistate” propaganda carried by some television stations. While he did not mention any specific channels, according to some media watchdogs, the statement had a chilling effect on the media climate (see section 3).

Press and Media Freedom: Broadcast and larger-circulation print media generally lacked diversity of political opinion and objective reporting. Private individuals or groups owned most broadcast media and newspapers, which tended to reflect the political leanings and financial interests of their proprietors. Broadcast media, particularly public television, remained one of the primary sources of news and information for the majority of the population. According to some media watchdogs, public television continued to present news from a progovernment standpoint, even after the “velvet revolution,” replacing one government perspective with the other.

Social media users freely expressed opinions about the new government and former authorities on various social media platforms. Use of fake social media accounts and attempts to manipulate the media, however, increased dramatically after the “velvet revolution.” According to media watchdogs, individuals used manipulation technologies, including hybrid websites, controversial bloggers, “troll factories,” fake Facebook groups and fake stories, to attack the government. In one example, a video circulated on September 17 supposedly showing Minister of Health Arsen Torosyan calling himself “crazy” and “absolutely abnormal.” The Union of Informed Citizens media watchdog published a document alleging the video was fake because of several inconsistencies in the video.

The country's few independent media outlets, mostly online, were not self-sustainable and survived through international donations, with limited or no revenues from advertising.

The media advertising market did not change substantially after the "velvet revolution" and key market players remained the same. According to a 2016 report by the Armenian Center for Political and International Studies, the advertising sales conglomerate Media International Services (MIS) controlled 74 percent of the country's television advertisement gross value, with exclusive rights to sell advertising on the country's five most watched channels. Another company, DG Sales, was majority owned by MIS shareholders and controlled more than one-third of the online commercial market, operating in a manner similar to MIS.

Media company ownership was mostly nontransparent.

The March 23 law governing the structure and activities of government envisions that government sessions would be held behind closed doors; this restriction, however, was removed soon after Nikol Pashinyan's government took office. Along the same lines, the City of Yerevan attempted to restrict the access of media outlets to municipal hearings, but the move was widely criticized and never materialized.

Violence and Harassment: There were several cases of violence and professional intimidation against journalists during the April protests that led to the change in government. An estimated 22 reporters and camera operators were abused by police during April 13-23. While using cameras to film the protests and arrests, several reporters were assaulted by police officers. There were cases in which police damaged reporters' equipment to prevent them from filming. Reporters also were injured by police using special means, such as stun grenades and nonlethal weapons. A number of media representatives reported being attacked by police in plain clothes. A total of 11 criminal cases were filed in connection with the incidents; charges were brought in five of the cases, and three cases ultimately ended up in court.

On April 14, a group of demonstrators led by then opposition MP Nikol Pashinyan broke into the Public Radio building, demanding coverage of their protest. The protesters broke one of the studio doors and seized key radio studios. The criminal charge of organizing mass disorders was later dropped.

In February, MediaLab.am founder and editor Marianna Grigoryan received death threats on social media after publishing a satirical cartoon mocking then defense minister Vigen Sargsyan. The user sending the threats was identified as a former defense serviceman. The international community and media watchdogs expressed concerns over these threats and demanded those responsible be held accountable. The Prosecutor General's office initiated criminal proceedings on February 6 and forwarded the case to the investigative committee for an inquiry. At year's end the investigation was ongoing.

Internet Freedom

Individuals and groups could generally engage in the expression of views via the internet, including by email. There were no disruptions to internet services during the nationwide April-May protests leading to the "velvet revolution," with many media outlets providing live video coverage of the events and protest leaders and participants using the internet, social media platforms, and live broadcasting to address the population directly.

On April 11, the YouTube channels of Factor.am and Armlur.am were blocked for 24 hours. Several media outlets reported cyberattacks during the year from unknown sources.

The International Telecommunication Union estimated that 70 percent of the population used the internet in 2017.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events. The country's spring civic uprising changed the perception and practice of academic freedom in the country. Students joined together to protest against corrupt practices in universities. In February, a group of student activists formed the Yerevan State University (YSU) Restart group, which aimed to voice concerns and draw attention to corruption at universities. In April, YSU Restart activists joined the protests against then president Sargsyan becoming prime minister and called on students nationwide to boycott classes and join the campaign. As the protests grew, the management of some universities and public schools locked the doors to prevent students, teachers, and professors from leaving the facility to join the protests. Police used force against students to clear sit-ins and blocked streets. Many students were arrested and taken to police stations, but usually were released the same day. During the protests, there were no cases of university leadership

expelling students from school or firing faculty members for missing classes (i.e. participating in protests). After the May change in government, YSU Restart organized protests against the rector of Yerevan State University without threats of repercussion.

The “velvet revolution” led to demands for education system leaders to resign. For example, the rector of Shirak State University was forced to resign due to protests against him for corruption and for firing faculty members who criticized him.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association. In some instances, the government restricted those freedoms.

Freedom of Peaceful Assembly

The constitution and the law provide for freedom of peaceful assembly and after the spring “velvet revolution,” the new government generally respected these rights.

A local NGO, the Armenian Helsinki Committee (AHC), examined the right to freedom of peaceful assembly, especially focusing on the protest period of April-May. The April rallies were unprecedented in terms of the number of participants as compared to rallies held in earlier years, with estimates of 100,000-150,000 protesters at some points. From April 13 to April 15, NGOs reported no instances of police interference with assemblies and marches, but the situation changed after April 16, when in response to Nikol Pashinyan’s call for a “decentralized struggle,” numerous citizens organized and held rallies and marches in various parts of Yerevan as well as in the regions.

AHC found many instances of disproportionate use of force, violence, and abuse of official powers by the police at assemblies from April 16 to April 23. For example, on April 16 and on April 22, members of an unknown police unit threw 11 flash grenades into the crowds without proper warning. As a result, 40 citizens and six police officers sought medical assistance. Reporters from 168.am and Factor.am news websites also sustained injuries.

According to the police report, from April 16 to April 26, 1,283 persons were forcibly brought to police departments, including 1,144 in Yerevan, 918 of whom were also subjected to administrative detention. The majority of the demonstrators

were held in administrative detention for no more than three hours, in accordance with the law, although some detainees reported being held longer. Some were brought to police departments but were not allowed to make a phone call. Lawyers who cooperated in a hotline organized by human rights defenders reported in many cases officers prevented them from meeting with their clients. In some cases, obstacles for lawyers to enter police departments were removed after intervention from the ombudsman's office.

There were incidents of violence by masked assailants. On April 22, for example, more than 50 individuals on Erebuni Street attacked protesters with electroshock weapons, truncheons, and stones and verbally abused them. Many of the attackers wore masks that covered their faces. More than 20 police officers were present when the incident occurred, but did not interfere to stop the assaults. A reporter, a cameraman from Shant TV, and a cameraman from Factor TV were hurt during the incident.

The SIS opened investigations into more than 50 criminal cases of police abuse of power accompanied by violence during the assemblies held from April 13 to May 8. Later, those cases were merged into a single criminal case and an investigative group was established. More than 60 episodes of violence were under investigation within the framework of that criminal case, with reporters, lawyers, and numerous citizens recognized as aggrieved parties.

In November the UN special rapporteur on peaceful assembly and association noted, "Armenia has come a long way with recent reforms and the adoption of new laws that regulate the exercise of the rights to freedom of peaceful assembly and association; however authorities need to ensure the consistent enforcement of the current regulations."

Freedom of Association

The constitution and law provide this right, and the government generally respected it. Under the Law on Public Organizations, in force since February 2017, some NGOs have legal standing to act on behalf of their beneficiaries limited to environmental issues in court. The limitations contradict a 2010 Constitutional Court decision that allowed all NGOs to have legal standing in court.

On October 29, the Ministry of Justice proposed draft amendments to the Law on Public Organizations that generated intense public debate. For example, on

November 16, the Transparency International Anticorruption Center (TIAC) released a statement expressing concerns the draft amendments would introduce problematic changes to the reporting requirements for civil society organizations. The draft proposed to toughen the reporting for civil society organizations by extending reporting requirements to all organizations regardless of their sources of funding. In addition, the amendments would require personal information of the donors as well as members, governing bodies, staff and volunteers who have received funding. According to TIAC, the draft would put an unreasonable and disproportionate burden on public organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

Authorities cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons (IDPs), refugees, returning refugees, asylum seekers, stateless persons, or other persons of concern.

Abuse of Migrants, Refugees, and Stateless Persons: While there was no systematic discrimination reported against migrants, refugees, or stateless persons, there were reports of discrimination in the acceptance of applications and in detention of asylum seekers based on the country of origin, race, or religion of the asylum seeker, as well as difficulties with integration.

During the year, 28 foreigners were apprehended for illegal entry after crossing the border via land or air or arriving at the International Airport in Yerevan, an increase from four in 2017. Unlike the previous practice, when authorities detained and sentenced asylum seekers for illegal entry into the country after registering their asylum applications, in a few cases asylum seekers were released from detention. Despite a provision in the law exempting asylum seekers from criminal liability for illegal border crossing, authorities required them to remain in detention pending the outcome of their asylum applications or to serve the remainder of their sentences. Two asylum seekers from Afghanistan, who were

detained for illegal border crossing in 2015 and sentenced to three years in prison, were released early and accommodated at a reception center for asylum seekers in mid-September. They were under supervision with mandatory reporting requirements between mid-September and October 6, when the sentence expired.

Foreign Travel: Citizens must obtain exit visas to leave the country on either a temporary or a permanent basis. Citizens could routinely purchase exit visas for temporary travel outside the country within one day of application for approximately 1,000 drams (two dollars) for each year of validity.

Internally Displaced Persons (IDPs)

As of 2016, according to the Internal Displacement Monitoring Center, approximately 8,400 IDPs of the estimated 65,000 households evacuated in 1988-94 were still living in displacement. Some of the country's IDPs and former refugees lacked adequate housing and had limited economic opportunities.

Protection of Refugees

Access to Asylum: The law provides for granting asylum or refugee status, and the government has established a system for providing protection to refugees. The law takes into account specific needs of children, persons with mental disabilities and trauma survivors and allows detention centers to receive asylum applications. Refugees who were not ethnic Armenians needed three years of legal residence in the country to be naturalized.

While the overall quality of procedures and decision making for determination of refugee status improved over the last decade, concerns remained regarding adjudication of cases of asylum seekers of certain religious and gender profiles. Security considerations permeated all aspects of the asylum procedure and implementation of refugee policies and the NSS continued to influence asylum decision making by the State Migration Service (SMS).

Shortcomings in asylum procedures included limited state funding for interpreters and deficiencies in capacity of eligibility officers. Enhanced capacity of the judiciary resulted in an increased number of overruled SMS decisions on asylum applications. For the first time since 2009, the Administrative Court issued a judgment overruling an SMS denial of refugee status to a family from Iraq and obliging the SMS to recognize the applicants as refugees. In general, the courts

drew more attention to the merit of asylum applications and used country of origin information more systematically.

Authorities continued to offer ethnic Armenians from Syria who remained in the country a choice of protection options, including expedited naturalization, a residence permit, or refugee status. Quick naturalization gave persons displaced from Syria the same legal right to health care and most other social services as other citizens.

Access to Basic Services: Conditions in the only reception center for asylum seekers were below international standards, according to one international NGO, and did not address the needs of persons with specific needs and disabilities. With an increased number of asylum seekers during the year, many from Iran and Afghanistan, the reception center's capacity was exhausted and there was no alternative solution for accommodation of persons with specific needs and large families. Additionally, the center allegedly did not provide clean lodging, adequate sanitary facilities, or sufficient food and medicine, leading to the prevalence of illness and communicable disease. Many refugees were also unable to work or receive an education while their cases worked their way through the legal system.

Housing allocated to refugees was often in limited supply and in poor condition and remained, along with employment, their greatest concern. Many displaced families relied on a rental subsidy program supported by UNHCR and diaspora organizations. Authorities operated an integration house with places for 29 refugees and offered refugees accommodation free of charge during the first months after they acquired refugee status. Language differences with Syrian-Armenian refugees who spoke a different dialect created barriers to employment and, initially, education.

Durable Solutions: In 2016 the government adopted a concept document outlining its goals concerning the integration of persons granted asylum and refugee status as well as of long-term migrants. According to UNHCR, while in principle the concept would enhance the legal framework for the protection of refugees, it did not go far enough to cover Syrians who had obtained citizenship, thus excluding from the provision of services the majority of displaced Syrians who had arrived in country since the beginning of the conflict. The concept also did not address critical aspects of integration, such as language needs and access to education. The Ministry of Diaspora drafted an integration strategy focused on Syrian-Armenians displaced as a result of the conflict in Syria. UNHCR promoted and advocated for

a single policy and comprehensive integration strategy to facilitate integration of all refugees and other displaced persons without discrimination. While the government approved an initial concept on local integration, full implementation remained pending. NGOs partially filled the gap with UNHCR and international donor funding.

Stateless Persons

According to police data, the number of stateless persons by October 29 was 801. The increase was believed to be related to the rising number of citizens renouncing their Armenian citizenship with the aim of obtaining citizenship elsewhere, particularly in the Russian Federation. In addition, authorities considered approximately 1,400 refugees from Azerbaijan to be stateless as of December 2017.

The law provides for the provision of nationality to stateless children born on the country's territory.

Section 3. Freedom to Participate in the Political Process

The constitution and laws provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

In April 2017, the country held parliamentary elections, thereby choosing the first legislative body to govern under the new constitution. In conjunction with amendments to the electoral code, this shifted the country from a semi-presidential to a parliamentary republic, eliminating the direct election of the president and mayors of two major cities and introducing a complex proportional electoral system that many characterized as semi-majoritarian. After the end of Serzh Sargsyan's second presidential term on April 9, the parliament elected him on April 17 as the first prime minister under the new constitution. On April 23, however, Sargsyan resigned following nationwide protests. On May 8, under public pressure, the parliament elected opposition leader and member of parliament Nikol Pashinyan as prime minister.

Elections and Political Participation

Recent Elections: On December 9, the country held snap parliamentary elections, preceded by a short and heated but free and competitive campaign with generally

equal opportunities for contestants. Nikol Pashinyan's My Step coalition won 70.44 percent of the vote and most seats in Parliament; the Prosperous Armenia and Bright Armenia parties also won seats, with 8.27 percent and 6.37 percent of the vote, respectively. The OSCE/Office of Democratic Institutions and Human Rights (ODIHR) December 10 preliminary report noted that "early parliamentary elections were held with respect for fundamental freedoms and enjoyed broad public trust that needs to be preserved through further electoral reforms....The general absence of electoral malfeasance, including of vote-buying and pressure on voters, allowed for genuine competition." The report noted, however, that although electoral stakeholders did not report any systematic efforts of vote-buying and other electoral malfeasance, several interlocutors alleged that short-term contracting of a number of campaign workers and citizen observers was done, mainly by one contestant, possibly for the purpose of buying their votes.

ODIHR observers stated that "contestants were able to conduct their campaigns freely; fundamental freedoms of association, assembly, expression and movement were fully respected during the campaign." At the same time they emphasized that disinformation, as well as inflammatory exchanges between some contestants, on social networks, were noted during the campaign. Among the few issues that marred the electoral process, the observers noted that "the integrity of campaign finance was undermined by a lack of regulation, accountability, and transparency. For example, contrary to previous ODIHR and Venice Commission recommendations, organizational expenses such as for office space, communication, transportation, and staff were not considered election-related and therefore could remain unreported, "undermining the transparency of campaign finance." Other shortcomings highlighted by OSCE observers included the narrow legal standing for submitting electoral complaints, contrary to previous ODIHR and Venice Commission recommendations.

Political Parties and Political Participation: The law does not restrict the registration or activity of political parties. Prior to the "velvet revolution," however, authorities suppressed political pluralism in other ways.

While political pluralism expanded after the May change in government, observers noted increased radicalization in society, reflected most acutely in social media, that shrank the space for criticism of the new government, since any dissent was labeled as "counterrevolutionary" by Civil Contract supporters. Some opposition political actors alleged that the new government directed public pressure against them.

Participation of Women and Minorities: No laws limit participation of women and members of minorities in the political process, but the patriarchal nature of society inhibited large-scale participation by women in political life and in decision-making positions in the public sector. Although the percentage of female members of the parliament and the Yerevan City Council increased from 2017, the participation of women remained low in these and other decision making structures. There were no female governors in the country's 10 regions; the first female mayor was elected on October 21.

The OSCE's preliminary statement following the December 9 parliamentary elections noted that all candidate lists met the 25 percent gender quota requirement and women accounted for 32 percent of the 1,444 total candidates. OSCE stated, however, that this quota did not ensure the same proportion of representation of women in the parliament, as half of the seats are distributed according to preferential votes. Parties rarely featured women candidates in their campaigns – women only occasionally campaigned on their own and rarely appeared as speakers in rallies observed. Some women candidates were a target of disparaging rhetoric because of their gender.

There are government-mandated seats in the parliament for the country's four largest ethnic minorities: Yazidi, Kurds, and the Assyrian and Russian communities. Four members of the parliament represented these constituencies.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. Reports continued, however, of systemic corruption, including in all three branches of government. After the May "velvet revolution," the new government opened investigations to combat corruption that revealed systemic corruption encompassing most areas of public and private life. The SIS launched numerous criminal cases against alleged corruption by former government officials and their relatives, as well as parliamentarians, with cases ranging from a few thousand to millions of U.S. dollars.

Corruption: Numerous media reports revealed systemic corruption in many areas including construction, mining, public administration, the parliament, the judiciary, procurement practices, and provision of grants by the state. There were also allegations of embezzlement of state funds, the involvement of government officials in questionable business activities, and tax and customs privileges for government-linked companies.

According to the prime minister's anticorruption adviser, between May 7 and August 10, law enforcement bodies and tax services uncovered violations in the amount of 41.7 billion drams (almost \$87 million), constituting damages to the state, embezzlement, abuse of official duty, and bribes. Headline cases included tax underpayments and unexplained wealth on the part of parliamentarians, well-connected political figures, or their respective business holdings. In one illustrative case, according to the government, the Yerevan City supermarket chain, affiliated with member of parliament Samvel Alexanyan, was found to have underpaid tens of millions of dollars in taxes.

Other corruption investigations focused on the embezzlement or abuse of state funds, including corruption involving military procurement contracts, community budgets and the distribution of social benefits.

In June, the Ethics Commission for High-ranking Officials published the result of research on conflicts of interest involving high-ranking officials in the 2014-17 period. The commission discovered a total of 709 procurement contracts signed with 91 commercial entities that were linked to officials, more than half of which were single source contracts.

Financial Disclosure: The law requires high-ranking public officials and their families to file annual asset declarations, which were partially available to the public on the internet. According to amendments that entered into effect in July 2017, the Ethics Commission for High-ranking Officials was granted the powers and tools to partially verify the content of the declarations, including access to relevant databases and the mandate to impose administrative sanctions or refer a case to the law enforcement bodies when elements of criminal offences were identified. After the May change in government, the Ethics Commission for High-ranking Officials imposed penalties on officials for filing incomplete or late declarations.

According to a June 2017 law, full verification of the data, as well as other functions aimed at preventing corruption, is to be carried out by the Commission on the Prevention of Corruption. The commission, an autonomous collegial body accountable to the parliament, is authorized to have five members who are appointed for a six-year term. It replaces the Ethics Commission of High-ranking Officials and is broadly empowered to promote official integrity, support development of anticorruption policy, and conduct anticorruption awareness

raising and training. While the agency was to have been fully functional by year's end, it had not been established by then.

In July 2017, a law criminalizing illicit enrichment came into force. Many public officials, including judges and members of parliament and their spouses, disclosed large sums of unexplained income and assets, including large personal gifts and proceeds from providing loans. After the May change in government, authorities initiated several investigations of discrepancies or unexplained wealth identified in these declarations. On August 10, First Deputy Prime Minister Ararat Mirzoyan announced that the government had applied to the Stolen Asset Recovery Initiative of the World Bank and United Nations Office on Drugs and Crime for technical and advisory assistance in recovering assets moved out of the country because of corruption and embezzlement.

In the first criminal case of illicit enrichment, on June 25, Vachagan Ghazaryan, the chief bodyguard of former president Serzh Sargsyan for 20 years, was arrested after law enforcement personnel found more than one million dollars in cash in a nightclub owned by his wife. The NSS also caught Ghazaryan with the equivalent of more than one million dollars in cash in a briefcase and another 50,000 dollars in his car. According to investigators, Ghazaryan intended to obtain additional cash amounting to 1.7 million dollars from his account and 1.4 million dollars from his wife's account. Ghazaryan claimed he forgot to mention these funds in his required ethics declaration filed in April. According to the NSS, Ghazaryan claimed he withdrew the cash "in order to return it to its owner" but would not reveal the identity of that owner.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Following the May change in government leadership, some civil society representatives joined the government. Others, however, continued to serve as watchdogs, scrutinizing the actions of the new government. Domestic and international human rights groups generally operated without government restrictions, investigating and publishing their findings on human rights cases. On November 8, however, Daniel Ionnisyan of the Union of Informed Citizens (UIC) NGO announced via Facebook post that the Investigative Committee had launched a criminal case against one of the UIC's Fact Investigation Platform (FIP) reporters. The reporter had contributed to an October 18 FIP report on a recorded phone conversation with a public school principal in Hrazdan. The recording revealed that the principal was planning to engage school staff and students in the

political rally of an independent mayoral candidate (the son of an MP from My Step party).

After the “velvet revolution,” some Facebook users politically affiliated with the former government and media outlets started a smear campaign against civil society organizations funded by the Open Society Foundation and government officials whom they alleged were directly or indirectly affiliated with the foundation.

Government Human Rights Bodies: The Office of the Human Rights Defender (the ombudsperson) has a mandate to protect human rights and fundamental freedoms from abuse at all levels of government. Civil society generally approved of the work of the ombudsman’s office during the April-May protests. According to the human rights defender’s website, the office worked 24 hours a day during protests to ensure human rights protections. For the first half of the year, the office reported an unprecedented number of citizen complaints and visits, which it attributed to increased trust in the institution and new public expectations.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape is a criminal offense, and conviction carries a maximum sentence of 15 years; general rape statutes applied to the prosecution of spousal rape. Domestic violence was prosecuted under general statutes dealing with violence, although authorities did not effectively investigate or prosecute most allegations of domestic violence. Domestic violence against women was widespread.

There were reports that police, especially outside Yerevan, were reluctant to act in such cases and discouraged women from filing complaints. According to some NGOs representatives, in cases when a woman alleged rape, she was sometimes questioned about her previous sexual experience and subjected to a “virginity test.” In a few cases, if the rape victim was not a virgin, police would dismiss the allegation as unimportant. A majority of domestic violence cases were considered under the law as offenses of low or medium seriousness, and the government did not hire enough female police officers and investigators for field work to address these crimes.

Between 2010 and 2017, the NGO Coalition to Stop Violence against Women recorded the killing of 50 women by an existing or former partner or by a family member. Information on enforcement actions regarding these killings was unavailable by year's end. In a high profile case, on November 12, 20-year-old Kristine Iskandaryan was beaten to death by her husband. After police learned her husband previously had battered her he confessed and was detained. In the first six months of the year, nine women were killed under such circumstances, but no information became available about whether their cases were investigated.

The Investigative Committee reported investigating 258 cases of domestic violence in the first half of the year, up from 215 in the same period in 2017. Most of the cases were of women abused by a husband or male domestic partner. During the same period, 259 persons were recognized as victims of domestic violence, of which 33 were minors.

NGOs that promoted women's rights were criticized mostly online for breaking up "Armenian traditional families" and spreading "Western values."

On July 1, the December 2017 Law on Prevention of Family Violence, Protection of Persons Subjected to Family Violence, and the Restoration of Family Cohesion went into effect. In a March 29 letter to the government, two UN special rapporteurs and a UN working group expressed concerns about the law, including that it is not strong enough to protect those facing domestic violence and that a number of its provisions could contravene the right of women victims of violence to the highest attainable standard of physical and mental health, and could hinder their right to justice and to effective remedies for the harm they had suffered.

According to NGOs, the government lacked resources for the full implementation of the law. Police officers began a training program but did not have adequate training or will to apply the law to perpetrators. There was only one shelter for victims, which did not have the capacity to serve all victims. After the May change in government, NGOs reported the Ministry of Labor and Social Affairs took concrete steps to increase cooperation, such as such as funding a second shelter in one of the regions and allowing NGOs to post information on its website.

Several members of parliament continued to voice disapproval of the law, with Tsarukyan bloc member Gevorg Petrosyan calling it an instrument that could be used by "freedom loving women" to get rid of their husbands and "fulfil their fantasies outside of the family."

Some female politicians, as well as human rights and environmental activists, were subject to gender-biased posts and discriminatory comments in social media.

Sexual Harassment: Although the law addresses lewd acts and indecent behavior, it does not specifically prohibit sexual harassment. Observers believed sexual harassment of women in the workplace was widespread and was not adequately addressed by the government, which did not have a functioning, all-encompassing labor inspectorate or other avenues to report such harassment.

On February 13, Marina Khachatryan, a Yerevan city council member from the opposition Yerkir Tsirani (Apricot Land) party, brought a glass filled with a sample of sewer water that was leaking from the Nubarashen prison into a residential area to a council session. Khachatryan attempted to present the sewer water to then mayor Taron Margaryan to raise awareness of city residents' complaints that the sewage was harming their community. At Margaryan's instigation, however, other male council members and staff assaulted Khachatryan, beating and manhandling her while threatening her and using sexual insults. Members of the then ruling Republican Party of Armenia said the response was justified and did not condemn the violence. Law enforcement bodies opened a criminal investigation.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Men and women enjoy equal legal status, but discrimination based on gender was a continuing problem in both the public and private sectors. There were reports of discrimination against women with respect to occupation and employment. Women remained underrepresented in leadership positions in all branches and at all levels of government.

The government took no tangible action on a 2015 World Bank study that examined teaching materials and textbooks of high school classes and found the books gave strong preference to men in all forms of representation, including texts and illustrations, while women were less visible or portrayed in stereotypical way.

According to the World Bank *2016 Armenia Country Gender Assessment*, the labor market participation gap between men and women was approximately 17 percent. Despite a significant decline in the difference in earnings between men and women, women still earned on average 36 percent less than men. There were

few women leaders in the private sector, including in managerial and entrepreneurial positions.

Gender-biased Sex Selection: According to the National Statistical Service, the boy to girl ratio at birth decreased from 114 to 100 in 2014 to 110 to 100 in 2017. The law requires doctors to question women on their motives for seeking an abortion and refuse those driven by gender selection concerns.

Children

Birth Registration: Children derive citizenship from one or both parents. A centralized system generated a medical certificate of birth to make avoidance of birth registration almost impossible. A low percentage of registered births occurred mainly in Yezidi and Kurdish communities practicing homebirths.

Education: Although education is free and compulsory through grade 12, in practice it was not universal. Children from disadvantaged families and communities lacked access to early learning programs, despite government efforts to raise preschool enrollment. According to National Statistics Service, in 2017 nationwide preschool enrolment for children younger than five was 29 percent, but only 17 percent for children in rural communities. Many remote rural communities, especially those with population less than 400, did not have preschools. Enrollment and attendance rates for children from ethnic minority groups, in particular Yezidis, Kurds, and Molokans, were significantly lower than average, and dropout rates after the ninth grade were higher. UNICEF expressed concern about the integration into the local community of an increasing number of refugee children from Syria, Iraq, and Ukraine because of lack of proper support for addressing cultural and linguistic barriers.

According to the Prison Monitoring Group, in the beginning of the year seven juveniles did not have access to education in the Abovyan Penitentiary while they were detained or serving a prison sentence. By December, however, that number had decreased to two.

Child Abuse: According to UNICEF, the lack of official, unified data on violence against children limited the government's ability to design adequate national responses and preventive measures. There were no official referral procedures for children who were victims of violence, including sexual violence, and referrals were not mandatory for professionals working with children, except for doctors who are required to report any injury of children to police.

The law outlines the roles and responsibilities of police and social services in the early identification and response to violence against children in the family. Although the law went into effect on July 1, the government continued to lack services for victims of domestic violence including women and children.

Early and Forced Marriage: The legal minimum age for marriage is 18. Early marriage of girls was reportedly more frequent within Yezidi communities, but the government took no measures to document the scale or address the practice.

Sexual Exploitation of Children: The law prohibits the sexual exploitation of children and provides for prison sentences of seven to 15 years for violations. Child pornography is punishable by imprisonment for up to seven years. The minimum age for consensual sex is 16.

The UN special rapporteur on the sale of children, child prostitution, and child pornography noted in a February 2016 report that although official statistics showed relatively few cases of sexual exploitation and sale of children, there were numerous undetected and unreported cases caused by gaps in terms of legislation, training, awareness-raising, detection, and reporting.

Institutionalized Children: According to UNICEF and other observers, institutionalized children were at risk of physical and psychological violence by peers and by staff. According to a February 2017 Human Rights Watch report, government policies on deinstitutionalization and inclusive education did not provide rights and benefits to children with disabilities on an equal basis with other children and were discriminatory.

In December 2017 the family code was amended to allow for more family-based alternatives for institutionalized children, such as diversification of foster care and improved provisions on adoption; the amendments entered into force in the middle of the year, resulting in a quadrupling in state funding for foster care. Transformation of residential institutions for children in difficult life circumstances and those without parental care also continued. With the exception of children with disabilities, the number of institutionalized children continued to decrease.

UNICEF expressed concern about inhuman and degrading treatment of persons with disabilities in institutions, including children with intellectual and/or psychosocial disabilities in specialized institutions, as well as neglect and the use of physical restraints as means of treatment and punishment. There was also

concern about the inefficiency and inadequacy of the complaints systems and the lack of monitoring of institutions. There were reports on social media that the government's closure of boarding schools without the timely establishment of proper alternative social care services and provision of basic necessities jeopardized children's well-being and access to education.

According to the NGO United Methodist Committee on Relief, deinstitutionalized children in the country were more at risk of being involved in forced begging, forced labor, and trafficking and of being subjected to violence at home. The NGO relayed at least one case where a deinstitutionalized child was forced to beg by his stepfather. The NGO Coalition to Stop Violence against Women reported that, after a child was placed with a host family, the government ceased any real oversight over the child and the family.

In one Yezidi-populated village, parents complained of discrimination by school teachers and a principal toward their children. They also alleged that the school principal and teachers (who were not ethnically part of the Yezidi community) failed to provide children with quality, public education and reportedly used ethnic slurs against the Yezidis.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

Anti-Semitism

Observers estimated the country's Jewish population at between 500 and 1,000 persons. There were no reports of anti-Semitic acts, although after the "velvet revolution" some anti-Semitic comments appeared in social media smearing government representatives and activists. The government did not respond to these slurs.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with any disability in employment, education, and access to health care and other state services, but discrimination remained a problem. The law and a special government decree require both new buildings and those under renovation, including schools, to be accessible to persons with disabilities. Very few buildings or other facilities were accessible, even if newly constructed or renovated. Many public buildings, including schools and kindergartens, were inaccessible. This inaccessibility also deterred persons with disabilities from voting, since these buildings often served as polling stations during elections. According to the OSCE/ODIHR election observation report on the December 9 snap parliamentary elections, 71 percent of polling stations observed were not accessible to persons with physical disabilities or reduced mobility.

Although the law on general education provides for a transition from general education to inclusive education for children with disabilities by 2025, and despite the increasing trend towards inclusive education, many children with disabilities remained in segregated educational settings and did not have access to inclusive education. Many NGOs reported schools lacked physical accessibility and accessible learning materials and made limited effort to provide reasonable accommodations for children with disabilities in mainstream schools. In addition, teachers did not receive adequate training on inclusive education.

The Ministry of Labor and Social Affairs is responsible for protecting the rights of persons with disabilities but prior to May failed to carry out this mandate effectively. For example, in September 2017, the government approved a decision to issue vouchers to persons with disabilities to purchase hearing aids and wheelchairs, instead of providing the actual devices. There were reports, however, the vouchers failed to cover the market price of hearing aids and wheelchairs, resulting in financial strain on the persons who needed them.

Persons with all types of disabilities experienced discrimination in every sphere, including access to health care, social and psychological rehabilitation, education, transportation, communication, employment, social protection, cultural events, and use of the internet. Lack of access to information and communications was a particularly significant problem for persons with sensory disabilities. Women with disabilities faced further discrimination, including in social acceptance and access to health and reproductive care, employment, and education, due to their gender.

Hospitals, residential care, and other facilities for persons with more significant disabilities remained substandard.

Disability status determines eligibility for various social benefits. Media reports alleged corruption and arbitrary rulings on the part of the Medical-Social Expertise Commission, a governmental body under the Ministry of Labor and Social Affairs that determines a person's disability status. In 2016, the National Security Service arrested and charged the head of the commission, Armen Soghoian, and 16 other officials with soliciting bribes. The trial of the case was ongoing as of year's end.

By the year's end, the Investigative Committee opened 92 criminal cases for corrupt practices in the social security (including disability pensions) provision offices. The committee brought charges against 50 persons.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws do not extend protections to LGBTI persons on the basis of sexual orientation or gender identity. There were no hate crime laws or other criminal judicial mechanisms to aid in the prosecution of crimes against members of the LGBTI community. Societal discrimination based on sexual orientation and gender identity negatively affected all aspects of life, including employment, housing, family relations, and access to education and health care. Transgender persons were especially vulnerable to physical and psychological abuse and harassment.

During the year the NGO Public Information and Need of Knowledge (PINK Armenia) documented 15 cases of alleged human rights violations against LGBTI persons, but only four victims sought help from the ombudsperson's office and none from law enforcement bodies. Three cases were sent to court; the fourth one was dropped because the perpetrator committed suicide.

On August 14, police arrested a suspect after several transgender individuals called to report being attacked at a public park. The same day, police released a video of the transgender persons trying to attack the suspect, who was under arrest at the police station, with the narrator indicating that the attackers were guilty of violence against the police. The video included the names and photos of the transgender individuals. Police arrested the two transgender persons in the video. According to the arrestees' statements, six police officers beat them and held them in handcuffs over a 72-hour period they spent at the police station. Police later

released one of the transgender persons. On August 16, the second transgender person was taken to Nubarashen Prison. The prison administration subsequently sent a letter to the prosecutor general's office stating that, upon admission to prison, the detainee had signs of physical abuse on his body. The detainee was charged with hooliganism (punishable by up to seven years in prison) and violence against authorities (punishable by up to five years in prison). According to SIS, it had launched a criminal case on charges of torture against the police officers who had allegedly beaten the transgender person. The investigation was ongoing at year's end.

On August 3, while an LGBTI activist was hosting eight friends in his parents' house in Shurnukh village, a mob of approximately 30 persons attacked them and chased them out of the village, hitting, kicking, and throwing stones at them while yelling insults. Six of the activists were taken to the hospital. The victims reported the attack to police, who opened a criminal case on charges of beating. In December the police dropped the case based on the November Amnesty, although nobody had been charged within the case, although according to PINK Armenia, the names of the perpetrators, allegedly most of the village residents, were known.

On November 6, the European Forum of LGBT Christian Groups and New Generation NGO announced the cancellation of the Forum of LGBT Christians of Eastern Europe and Central Asia to take place in Yerevan November 15-18. The Forum would have brought participants together for networking, discussions, and prayer. After news leaked about the forum, local and Russia-connected bloggers seized on the information to provoke anti-LGBTI sentiment and issue threats of violence and death against the LGBTI community and forum participants. Police officials met with New Generation to discuss security risks facing the organizers and participants. New Generation subsequently cancelled the forum issuing a statement that read in part, "We are deeply distressed and disappointed that political violence, death threats, and vandalism directed at LGBTI people are constituting a genuine threat to the safety of our participants."

Several international organizations, the Human Rights Defenders Office, and a number of civil society organizations issued statements condemning the violence at Shurnukh. Many more social media posts, however, defended the villagers with messages attacking LGBTI and other minorities. In one Facebook post, Prosperous Armenia parliamentarian Gevorg Petrosyan wrote, "all gays, sectarians, and their defenders should be eradicated from our holy land."

Openly gay men are exempt from military service. An exemption, however, requires a medical finding based on a psychological examination indicating an individual has a mental disorder; this information appears in the individual's personal identification documents and is an obstacle to employment and obtaining a driver's license. Gay men who served in the army reportedly faced physical and psychological abuse as well as blackmail.

HIV and AIDS Social Stigma

According to human rights groups, persons regarded as vulnerable to HIV/AIDS, such as sex workers (including transgender sex workers) and drug users, faced discrimination and violence from society as well as mistreatment by police. According to a June UN Human Rights Council report by the rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, stigma and discrimination in health-care settings were major barriers to accessing treatment and services for people living with HIV/AIDS.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law protects the right of all workers to form and to join independent unions, except for non-civilian personnel of the armed forces and law enforcement agencies. The law also provides for the right to strike, with the same exceptions, and permits collective bargaining. The law mandates seven day's notification and mandatory mediation before a strike, as well as the agreement of two-thirds of the workforce obtained in a secret vote. The law stipulates that worker rights may not be restricted because of membership in a union. The list of justifiable grounds for firing a worker, enumerated in the labor code, does not include union activity.

In April 2017 the Health Inspection Body (HIB) of the Ministry of Health was established by government decree to ensure that health and occupational safety requirements for employees were met. While the final composition and scope of HIB's authority was still under review as of September, the HIB's charter had limited references to labor legislation and labor rights as well as a limited mandate to carry out inspections to ensure the protection of labor rights for minors, pregnant women, and women breastfeeding or caring for children. There were no other state bodies with inspection responsibilities to oversee and protect the implementation of other labor rights. The government did not effectively enforce laws on freedom

of association and collective bargaining, and the government has not established which entity should have responsibility for enforcing these laws.

Labor organizations remained weak because of employer resistance, high unemployment, and poor economic conditions. Employees did not report labor rights violations because of fear of retaliation by employers and usually did not make formal complaints. Labor unions were generally inactive, with those in the mining and chemical industries viewed as co-opted by plant owners. According to domestic observers, the informal consent of the employer was required to establish a formal trade union. After the May change in government, a number of protests occurred throughout the country with employees demanding higher wages and better working conditions. In November, the government approved a legislative initiative to amend the law on state pensions. The Deputy Minister of Labor and Social Affairs Arsen Manukyan said the bill will attempt to fight extreme poverty among pensioners by raising the pension to the extreme poverty line beginning in 2019.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced and compulsory labor, although no definition of forced labor is provided in the law. While the government effectively prosecuted labor trafficking cases, resources, inspections, and remediation were inadequate to identify forced labor cases at large due to absence of an effective labor inspection mechanism. Penalties for labor trafficking were sufficiently stringent to deter violations.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

There are laws and policies designed to protect children from exploitation in the workplace. In most cases, the minimum age for employment is 16, but children may work from the age of 14 with permission of a parent or a guardian. The law allows children younger than 14 to work in the entertainment sector. The maximum duration of the workweek is 24 hours for children who are 14 to 16 and 36 hours for children who are 16 to 18. Persons younger than 18 may not work overtime, in harmful, strenuous, or dangerous conditions, at night, or on holidays. Authorities did not effectively enforce applicable law. Penalties were insufficient

to enforce compliance. The absence of worksite inspections conducted at the national level impeded the enforcement of child labor laws.

According to the *Armenian National Child Labor Survey 2015 Analytical Report*, conducted by the National Statistical Service and the International Labor Organization, 11.6 percent of children between the ages of five and 17 were employed. Most were involved in the agriculture, forestry, and fishing sectors, while others worked in the sectors of trade, repair, transport, storage, accommodation, and food services. Children were also involved in the trade of motor fuel, construction materials, medication, vehicle maintenance and repair works. According to the survey, 39,300 children were employed, of whom 31,200 were engaged in hazardous work, including work in hazardous industries (400 children), in designated hazardous occupations (600 children), work with long hours (1,200 children), work that involved carrying heavy loads and distances (17,200 children) and, other forms of hazardous work (23,600 children).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

The constitution prohibits discrimination based on sex, race, skin color, ethnic or social origin, genetic features, language, religion, political opinion, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances. Other laws and regulations specifically prohibit discrimination in employment and occupation based on gender. The government did not effectively enforce the law. There were no effective legal mechanisms to implement these regulations, and discrimination in employment and occupation occurred based on gender, age, presence of a disability, sexual orientation, HIV/AIDS status, and religion, although there were no official or other statistics to account to the scale of such discrimination. Administrative penalties were not sufficient to deter violations.

Women generally did not enjoy the same professional opportunities or wages as men, and employers often relegated them to more menial or low-paying jobs. While providing for the “legal equality” of all parties in a workplace relationship, the labor code does not explicitly require equal pay for equal work. According to World Bank data released in 2016, more than one-half of women with intermediary education and one-third of women with advanced education did not participate in paid work. According to the 2017 World Bank study, *Leveling the STEM Playing*

Field for Women, “cultural stereotypes about the work women should engage in and their responsibilities at home present the strongest barrier to equality between women and men” in the country. Women also represented a larger share of the registered unemployed, and it took them a longer time to find work. According to a gender gap study by the UN Population Fund, *Diagnostic Study of Discrimination against Women*, released in 2016, the gap between average salaries of men and women in all economic spheres was almost 36 percent.

Many employers reportedly practiced age and gender discrimination, most commonly requiring job applicants to be of a specific gender, age, and appearance. Such discrimination appeared to be widespread, but there were no reliable surveys, and authorities did not take any action to mitigate it. Vacancy announcements specifying young and attractive women for various jobs were common. Unemployed workers, particularly women, who were older than 40 had little chance of finding jobs appropriate to their education or skills. LGBTI persons, persons with disabilities, as well as pregnant women also faced discrimination in employment. Religious minorities faced discrimination in public employment.

e. Acceptable Conditions of Work

The established monthly minimum wage was above the poverty income level. The law provides for a 40-hour workweek, 20 days of mandatory paid annual leave, and compensation for overtime and nighttime work. The law prohibits compulsory overtime in excess of four hours on two consecutive days and limits it to 180 hours in a year. The government established occupational and health standards by decree.

Authorities did not effectively enforce labor standards in either the formal or the informal sectors. According to lawyers, workers’ rights remained unprotected due to the absence of a viable labor inspection regime, lack of independent trade unions, and overloaded administrative courts dockets that could only address new cases more than a year after they were filed.

Many employees of private companies, particularly in the service and retail sectors, were unable to obtain paid leave and were required to work more than eight hours a day without additional compensation. According to representatives of some employment agencies, many employers also hired employees for an unpaid and undocumented “probationary” period of 10 to 30 days. Often employers subsequently dismissed these employees, who were then unable to

claim payment for the time they worked because their initial employment was undocumented.

Managers of enterprises that were the primary employers in certain poor geographic areas frequently took advantage of the absence of alternative jobs and did not provide adequate pay or address job safety and environmental concerns. Nearly half of all workers found employment in the informal sector, where they were vulnerable to employer abuse and without governmental protection. According to media reports, after the new government's anticorruption efforts, large supermarket chains began to officially register their workers, leading to drastic increases in the number of registered employees without additional hiring.

On November 30, the Helsinki Committee of Armenia NGO presented the results of a study on labor rights of teachers working in public schools conducted in the period from October 2017 to May that found problems with working conditions in terms of safety and health. Some teachers said they did not feel protected from psychological pressure in the school by administration and those teachers hired to work through nepotism. Approximately half of the teachers had to find students to enroll in the schools and some ensured the participation of children in political events. The vast majority of teachers never united for voicing and solving their problems. The majority of teachers said they had never applied with their problems to the Trade Union for Education and Science, which most were a member of, a mandatory requirement. According to the teachers, the least protected teachers in their schools were representatives of religious minorities, LGBTI teachers, and former convicts.

On June 4, a number of women working night shifts at Sanitek Waste Management Company sent a letter to the prime minister stating that the company violated their labor contracts, exploited them, and abused their working hours. According to the letter, employees working eight hours at night did not receive their salary as provided in their contracts, could not take annual leave nor the required four days of rest during the month, did not know how much territory they were supposed to clean, and did not receive overtime pay for night work. While there were consistent reports of labor law violations over the years at Sanitek, there were no reports that authorities imposed penalties on the company or that the company had made an effort to improve working conditions. Safety and health conditions remained substandard in numerous sectors, and according to official information there were at least 23 fatal workplace incidents during the first nine months of the year. In light of high unemployment in the country, workers generally did not remove themselves from situations that endangered their health or safety.

Authorities offered no protection to employees in these situations, and employees generally did not report violations of their rights.

In a separate case, employees and contractors of a mining company found themselves unable to work because of road closures by protestors. The ongoing, multi-month road closures resulted in a halt to operations that subsequently led to the termination of approximately 1,400 employees and contractors.